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PP RUEHMA RUEHPA
DE RUEHUJA #0619/01 0951017
ZNR UUUUU ZZH
P 041017Z APR 08
FM AMEMBASSY ABUJA
TO RUEHC/SECSTATE WASHDC PRIORITY 2517
INFO RUEHOS/AMCONSUL LAGOS PRIORITY 9018
RUCPDOG/DEPT OF COMMERCE WASHDC
RUEATRS/DEPT OF TREASURY WASHDC
RUEAWJA/DEPT OF JUSTICE WASHDC
RUEHZK/ECOWAS COLLECTIVE

UNCLAS SECTION 01 OF 02 ABUJA 000619

SIPDIS

SENSITIVE
SIPDIS

DEPARTMENT PASS TO USTR (AGAMA)
TREASURY FOR DPETERS, RHALL
USDOC FOR 3317/ITA/OA/KBURRESS
USDOC FOR 3130/USFC/OIO/ANESA/DHARRIS
USDOC FOR USPTO - PAUL SALMON
USDOJ FOR MARIE-FLORE KOUAME

E.O. 12958: N/A

TAGS: [ECON](#) [KIPR](#) [PGOV](#) [NI](#)

SUBJECT: NIGERIA: MOTION PICTURE ASSOCIATION THREATENS TO LEAVE IN
JULY; COPYRIGHT COMMISSION ENFORCEMENT CRITICIZED

REF: A. LAGOS 59

[1B.](#) 2007 ABUJA 2508

[1C.](#) 2007 ABUJA 2436

[1D.](#) 2007 LAGOS 767

SENSITIVE BUT UNCLASSIFIED - NOT FOR DISTRIBUTION OUTSIDE USG

[11.](#) (SBU) Summary. In two separate meetings with the Nigerian Copyright Commission (NCC) and International Federation of Phonographic Industry (IFPI), it is clear that there exists poor cooperation between industry and the NCC on IPR. The NCC claimed a December 2007 raid shut down two optical disk (OD) plants; however, the IFPI countered that the plants were shut down for the wrong reason and soon after were reopened. IFPI asserts that the NCC has failed to use its new authority under the one year old Optical Disk (OD) legislation to properly clamp down on pirates. The NCC contends that industry provides little assistance with its efforts. According to IFPI, the NCC is ill-equipped to enforce copyright protection and Director General Adewopo only pays lip service to copyright enforcement without taking the needed action to prosecute copyright offenders. The Motion Picture Association plans to pull out of Nigeria in July 2008 because it views the situation as deteriorating; IFPI is also considering closing shop. End Summary.

Optical Disk Legislation Implementation

[12.](#) (SBU) On March 25 Embassy Economic Officers met with Akeem Aponmade and Willem Von Adrichem of IFPI. Since meeting with the Embassy in November 2007, Von Adrichem lamented that he has not seen progress on IPR by the NCC. He said there has been positive collaboration between IFPI and EFCC, however, the lead agency on IPR - the NCC has failed in its mandate.

[13.](#) (SBU) The IFPI reps said that since the OD legislation was enacted in 2007 the NCC has not taken appropriate action against plants suspected of producing pirated materials. IFPI reported that there are 18 optical disc replicating plants in Nigeria. The OD legislation requires that all OD plants apply to the NCC and receive approval for their operations. Since the law took effect, 16 plants applied to the NCC and none had been granted approval to operate until 2008. During this period 18 plants were churning out optical disks. IFPI asserts that under the OD regulations, the NCC should have closed all 18 plants until approval was granted.

¶4. (SBU) IFPI confirmed that the NCC raided and sealed two optical disc replicating plants in December 2007. However, it claims that the NCC's action was based on the failure of the plants to apply for regulatory approval, not on the basis of piracy. According to IFPI, the sealed plants were soon after reopened following submission of applications to the NCC.

¶5. (SBU) Moreover, IFPI contends that the 16 other plant applications were approved recently by the NCC even though IFPI has evidence that several plants are producing pirated goods. In response, the NCC said it has conducted a pre-inspection exercise on 12 of the 18 existing disc replicating plants, and the registration of the plants is ongoing. IFPI underscored that the NCC is only interested in the application fees paid by the plants and not really serious about combating piracy, because plants that were raided in the past were also granted approval recently.

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NCC Seeks More USG Collaboration

¶6. (SBU) During a meeting with EconOff and Nigeria Desk Officer on March 18, NCC Director General Adebambo Adewopo commended collaboration between the USG and the GON in building NCC staff capacity through the various Global Intellectual Property Academy (GIPA) programs of the United States Patents and Trademark office (USPTO). The USPTO with Embassy assistance has provided a series of GIPA training programs that more than 18 GON IP officials have participated in the last 12 months. NCC supports more collaboration in capacity building and seeks increased collaboration on IPR outside of the TIFA framework.

¶7. (SBU) Adewopo said that the training has positively improved NCC staff work quality, especially GIPA best practices. To build upon the GIPA program, NCC is establishing a Copyright Institute using the train the trainers' model with USPTO GIPA graduates as

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facilitators. NCC reported there are plans to include other law enforcement agencies such as the police and customs in the training. He encouraged assistance for the NCC's Copyright Institute, and welcomed the idea of his meeting with Embassy Law Enforcement Working Group to discuss cooperation.

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U.S. Industry Missing in Action

¶8. (SBU) Adewopo passionately called for U.S. rights owners to establish a presence in Nigeria either directly or through an agent and requested the USG to encourage U.S. companies to do so. He asserted that this will improve IP enforcement in Nigeria because their presence and involvement in identifying pirated materials will assist enforcement and prosecution. In the same vein, he suggested that there needs to be organized distribution channels for various works, because presently there are no organized distribution channels for most foreign and domestic works, thereby giving pirates an opportunity to carry out their activities. The NCC contended that Microsoft's presence in Nigeria has resulted in successes achieved in combating software piracy.

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Industry Pulling Out of Nigeria

¶9. (SBU) Von Adrichem commented that in his role as regional coordinator for the Middle East, South West Asia and Africa (covering 77 countries) the IPR climate in Nigeria is the most bizarre and getting worse. As a result, he reported the international movie industry represented by MPA is pulling out of Nigeria on July 1, 2008. He said IFPI expects that the international music industry may also terminate operations in Nigeria.

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Comment

¶10. (SBU) In an effort to improve the IPR climate in Nigeria, Embassy Abuja and Consulate Lagos are working closely with the U.S.

Copyright Office and U.S. Department of Justice to host a seminar on optical disk enforcement in July. At the same time, the Embassy is working with USTR and other agencies to push for progress reports and substantial improvements via the TIFA IPR quarterly digital video conferences.

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